

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2007 Legislative Session

Legislative Day No. **9**

Bill No. 47 -2007

Introduced by: The Chairperson at the request of the County Executive

AN ACT requiring certain buildings to achieve certain standards relating to energy efficiency and environmental design under certain conditions; requiring certain applicants to submit certain documentation; requiring compliance as a condition of certain approvals; defining certain terms; ~~requiring certain sureties~~; providing for certain waivers; creating a certain fund; providing for enforcement; providing that the Act shall apply to certain buildings for which certain plans have been filed after a certain date; and generally relating to energy efficiency and environmental design.

Introduced and read first time _____, 2007. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2007.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2007 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ____ day of _____, 2007 at ____ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved/Vetoed by the County Executive _____, 2007

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that new*
2 *Subtitle 10 “Energy efficiency and environmental design” is added to Title 3 “Buildings”*
3 *of the Howard County Code to read as follows:*

4
5 **Title 3. Buildings.**

6 **SUBTITLE 10. ENERGY EFFICIENCY AND ENVIRONMENTAL DESIGN.**

7
8 **SECTION 3.1000. SHORT TITLE.**

9 THIS SUBTITLE MAY BE CITED AS THE HOWARD COUNTY GREEN
10 BUILDINGS LAW.

11
12 **SECTION 3.1001. STATEMENT OF PURPOSE AND POLICY.**

13 THE PURPOSE OF THIS SUBTITLE IS TO PROTECT THE PUBLIC HEALTH AND
14 WELFARE BY INCORPORATING MEASURES INTO THE PLANNING, DESIGN,
15 CONSTRUCTION, AND OPERATION OF CERTAIN BUILDINGS AND THE
16 BUILDING’S SITE IN ORDER TO MITIGATE THE ENERGY AND
17 ENVIRONMENTAL IMPACTS OF THE BUILDING SO THAT THE BUILDING IS
18 ENERGY EFFICIENT, SUSTAINABLE, COST-EFFECTIVE, ACCESSIBLE,
19 FUNCTIONAL, PRODUCTIVE, GENERATES LESS WASTE, AND IMPROVES THE
20 HEALTH AND PRODUCTIVITY OF THE BUILDING’S OCCUPANTS.

21
22 **SECTION 3.1002. DEFINITIONS.**

23 UNLESS SPECIFICALLY DEFINED IN THIS SECTION, TERMS USED IN THIS
24 SUBTITLE HAVE THE MEANINGS SET FORTH IN THE HOWARD COUNTY
25 BUILDING CODE ADOPTED IN SUBTITLE 1 OF THIS TITLE.

26 ~~(A) COMMISSIONING TEAM. A GROUP COMPOSED OF THE OWNER,~~
27 ~~OCCUPANTS, OPERATIONS AND MAINTENANCE STAFF, DESIGN~~
28 ~~PROFESSIONALS AND CONTRACTORS THAT IS RESPONSIBLE FOR~~
29 ~~ENSURING, THROUGH DOCUMENTED VERIFICATION, THAT ALL NEW~~
30 ~~BUILDING SYSTEMS PERFORM AND INTERACT ACCORDING TO ORIGINAL~~
31 ~~DESIGN DOCUMENTS AND THE OWNER'S OPERATION NEEDS.~~

1 (A) COMMISSIONING TEAM. A GROUP THAT IS:

2 (1) MADE OF UP SOME OR ALL OF THE FOLLOWING:

3 (I) THE OWNER;

4 (II) OCCUPANTS;

5 (III) OPERATIONS AND MAINTENANCE STAFF;

6 (IV) DESIGN PROFESSIONALS; AND

7 (V) CONTRACTORS; AND

8 (2) RESPONSIBLE FOR ENSURING, THROUGH DOCUMENTED
9 VERIFICATION, THAT ALL NEW BUILDING SYSTEMS PERFORM
10 AND INTERACT ACCORDING TO ORIGINAL DESIGN
11 DOCUMENTS AND THE OWNER'S OPERATION NEEDS.

12 (B) *DEPARTMENT*. THE DEPARTMENT OF INSPECTIONS, LICENSES AND
13 PERMITS.

14 (C) *DIRECTOR*. THE DIRECTOR OF THE DEPARTMENT OF INSPECTIONS,
15 LICENSES AND PERMITS OR THE DIRECTOR'S DESIGNEE.

16 (D) *GREEN BUILDING COUNCIL*. THE U.S. GREEN BUILDING COUNCIL ~~OR~~
17 ~~ANY SUCCESSOR ORGANIZATION~~ THAT IMPLEMENTS THE LEED RATING
18 SYSTEM.

19 (E) *LEED*. THE SERIES OF LEADERSHIP IN ENERGY AND ENVIRONMENTAL
20 DESIGN RATING SYSTEMS AS DEVELOPED BY THE GREEN BUILDING
21 COUNCIL.

22 (F) *LEED ACCREDITED PROFESSIONAL*. A ~~PERSON~~ LICENSED PROFESSIONAL
23 ENGINEER, LICENSED ARCHITECT, OR REGISTERED LANDSCAPE
24 ARCHITECT WHO IS ACCREDITED BY THE GREEN BUILDING COUNCIL AS
25 HAVING THE KNOWLEDGE AND SKILLS NECESSARY TO PARTICIPATE IN
26 THE DESIGN PROCESS, TO SUPPORT AND ENCOURAGE INTEGRATED
27 DESIGN, AND TO STREAMLINE THE LEADERSHIP IN ENERGY AND
28 ENVIRONMENTAL DESIGN PROJECT APPLICATION AND CERTIFICATION
29 PROCESS.

30 (G) *LEED CHECKLIST*. THE CHECKLIST APPROVED BY THE GREEN
31 BUILDING COUNCIL THAT SETS FORTH THE CREDIT AND POINT SYSTEM

1 FOR THE LEED RATING SYSTEM.

2 (H) *LEED RATING SYSTEM*. THE LEADERSHIP IN ENERGY AND
3 ENVIRONMENTAL DESIGN RATING SYSTEM AS MAY BE ADOPTED AND
4 AMENDED FROM TIME TO TIME AND MAY INCLUDE, WITHOUT
5 LIMITATION, THE FOLLOWING:

6 (1) LEED-NC FOR NEW CONSTRUCTION; AND

7 (2) LEED-CS FOR CORE AND SHELL.

8 (I) *NEW CONSTRUCTION*. CONSTRUCTION OF A BUILDING THAT REQUIRES
9 A HOWARD COUNTY BUILDING PERMIT OR AN ADDITION TO AN EXISTING
10 BUILDING. NEW CONSTRUCTION DOES NOT INCLUDE THE RENOVATION
11 OF AN EXISTING STRUCTURE THAT DOES NOT CHANGE THE GROSS FLOOR
12 AREA OF THE EXISTING STRUCTURE.

13 (J) *PUBLICLY FUNDED BUILDING*. A BUILDING FOR WHICH THE COUNTY
14 FINANCES AT LEAST 30% OF THE COST OF:

15 (1) NEW CONSTRUCTION; OR

16 (2) A LEASE FOR THE USE OF NEW CONSTRUCTION, INCLUSIVE OF
17 OPTIONS, FOR A PERIOD OF GREATER THAN 20 YEARS.

18
19 **SECTION 3.1003. APPLICABILITY; EXCEPTIONS.**

20 (A) *APPLICABILITY*. EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS
21 SECTION, THE FOLLOWING NEW CONSTRUCTION SHALL COMPLY WITH
22 THE REQUIREMENTS OF THIS SUBTITLE:

23 (1) NEW CONSTRUCTION OF A PUBLICLY FUNDED BUILDING
24 WITH 10,000 SQUARE FEET OR MORE OF GROSS FLOOR AREA;
25 AND

26 (2) NEW CONSTRUCTION OF BUILDINGS THAT ARE NOT
27 PUBLICLY FUNDED AND HAVE ~~20,000~~ 50,000 SQUARE FEET OR
28 MORE OF GROSS FLOOR AREA IN THE FOLLOWING
29 OCCUPANCY CATEGORIES:

30 (I) ASSEMBLY GROUP A;

31 (II) BUSINESS GROUP B;

- 1 (III) INSTITUTIONAL GROUP I;
- 2 (IV) MERCANTILE GROUP M;
- 3 ~~(V) MIXED OCCUPANCIES IF A MAJORITY OF THE USE IS AN~~
- 4 ~~OCCUPANCY INCLUDED IN THIS SUBSECTION; AND~~
- 5 (V) MIXED OCCUPANCIES IF:
- 6 A. A MAJORITY OF THE USE IS AN OCCUPANCY
- 7 INCLUDED IN THIS SUBSECTION; AND
- 8 B. THE BUILDING IS TWO STORIES OR MORE; AND
- 9 (VI) THE FOLLOWING RESIDENTIAL OCCUPANCIES:
- 10 A. RESIDENTIAL R-1; AND
- 11 B. RESIDENTIAL R-2.

12 (B) *EXCEPTIONS*. THE REQUIREMENTS OF THIS SUBTITLE SHALL NOT
13 APPLY TO:

- 14 (1) NEW CONSTRUCTION OF A PUBLICLY FUNDED BUILDING IN
- 15 THE E OR I-3 OCCUPANCY CATEGORIES;
- 16 (2) NEW CONSTRUCTION OF A NON-PUBLICLY FUNDED BUILDING
- 17 IN THE R-2 OCCUPANCY THAT IS:
- 18 (I) MADE UP OF ONLY RESIDENTIAL DWELLING UNITS;
- 19 AND
- 20 (II) LESS THAN 4 5 STORIES IN HEIGHT;
- 21 (3) NEW CONSTRUCTION OF A BUILDING THAT DOES NOT HAVE
- 22 AN HVAC SYSTEM; AND
- 23 (4) OTHER NEW CONSTRUCTION AS MAY BE SET FORTH BY
- 24 REGULATION OF THE DIRECTOR.

25
26 **SECTION 3.1004. STANDARDS FOR COMPLIANCE.**

27 (A) *PUBLICLY FUNDED BUILDINGS*. NEW CONSTRUCTION OF A PUBLICLY
28 FUNDED BUILDING THAT IS SUBJECT TO THIS SUBTITLE SHALL:

- 29 (1) ACHIEVE A CERTIFICATION FROM THE GREEN BUILDING
- 30 COUNCIL OF A SILVER-LEVEL RATING OR HIGHER IN ONE OF
- 31 THE FOLLOWING LEED RATING SYSTEMS ~~ADOPTED AT THE~~

1 ~~TIME THE APPLICANT REGISTERS FOR LEED:~~
2 (I) NEW CONSTRUCTION VERSION 2.2; OR
3 (II) CORE AND SHELL VERSION 2.0; OR
4 (2) COMPLY WITH ENERGY AND ENVIRONMENTAL DESIGN
5 STANDARDS THAT THE DIRECTOR MAY ~~IDENTIFY~~ ADOPT BY
6 REGULATION AS EQUIVALENT TO A SILVER-LEVEL RATING IN
7 THE APPROPRIATE LEED RATING SYSTEM.
8 (B) *OTHER BUILDINGS*. NEW CONSTRUCTION OF A NON-PUBLICLY FUNDED
9 BUILDING THAT IS SUBJECT TO THIS SUBTITLE SHALL:
10 (1) ACHIEVE A CERTIFICATION FROM THE GREEN BUILDING
11 COUNCIL OF CERTIFIED-LEVEL RATING OR HIGHER IN ONE OF
12 THE FOLLOWING LEED RATING SYSTEMS ~~ADOPTED AT THE~~
13 ~~TIME THE APPLICANT REGISTERS FOR LEED:~~
14 (I) NEW CONSTRUCTION VERSION 2.2; OR
15 (II) CORE AND SHELL VERSION 2.0; OR
16 (2) COMPLY WITH ENERGY AND ENVIRONMENTAL DESIGN
17 STANDARDS THAT THE DIRECTOR MAY ~~IDENTIFY~~ ADOPT BY
18 REGULATION AS EQUIVALENT TO A CERTIFIED-LEVEL
19 RATING IN THE APPROPRIATE LEED RATING SYSTEM.
20 **SECTION 3.1005. REQUIRED SUBMISSIONS; CONDITION OF APPROVAL;**
21 **CERTIFICATE OF USE AND OCCUPANCY.**
22 (A) *REQUIRED SUBMISSIONS- SITE DEVELOPMENT PLAN APPLICATION*. IN
23 ADDITION TO OTHER DOCUMENTS REQUIRED TO BE SUBMITTED WITH A
24 SITE DEVELOPMENT PLAN APPLICATION IN ACCORDANCE WITH SECTION
25 16.156 OF THIS CODE, AN APPLICANT FOR NEW CONSTRUCTION SUBJECT
26 TO THIS SUBTITLE SHALL SUBMIT TO THE DIRECTOR OF THE DEPARTMENT
27 OF PLANNING AND ZONING:
28 (1) DOCUMENTATION SHOWING THAT THE PROJECT:
29 (I) HAS BEEN REGISTERED WITH THE GREEN BUILDING
30 COUNCIL AND THAT THE APPLICABLE LEED
31 REGISTRATION FEE HAS BEEN PAID; OR

- 1 (II) MEETS ENERGY AND ENVIRONMENTAL DESIGN
2 STANDARDS THAT THE DIRECTOR MAY ~~IDENTIFY~~
3 ADOPT BY REGULATION AS EQUIVALENT TO THE
4 APPROPRIATE LEED RATING SYSTEM; AND
- 5 (2) A CHECKLIST THAT:
- 6 (I) SHALL BE PREPARED, SIGNED, AND DATED BY THE
7 PROJECT LEED ACCREDITED PROFESSIONAL; OR
- 8 (II) IF THE DIRECTOR HAS ADOPTED EQUIVALENT
9 STANDARDS BY REGULATION, IS APPROVED BY THE
10 DIRECTOR AS DEMONSTRATING THAT THE APPLICANT
11 MEETS THE EQUIVALENT STANDARDS.
- 12 (B) *REQUIRED SUBMISSIONS- BUILDING PERMIT APPLICATION*. IN ADDITION
13 TO OTHER DOCUMENTS REQUIRED TO BE SUBMITTED WITH A BUILDING
14 ~~PERMIT APPLICATION, AN APPLICANT SHALL SUBMIT THE FOLLOWING~~
15 ~~DOCUMENTATION TO THE DIRECTOR:~~
- 16 ~~(1) — DOCUMENTATION SHOWING THAT THE PROJECT HAS BEEN~~
17 ~~REGISTERED WITH THE GREEN BUILDING COUNCIL;~~
- 18 ~~(2) — AN UPDATED LEED CHECKLIST THAT SHALL BE PREPARED,~~
19 ~~SIGNED, AND DATED BY THE PROJECT LEED ACCREDITED~~
20 ~~PROFESSIONAL OR, IF THE DIRECTOR HAS ADOPTED~~
21 ~~EQUIVALENT STANDARDS BY REGULATION, AN UPDATED~~
22 ~~CHECKLIST THAT IS APPROVED BY THE DIRECTOR AS~~
23 ~~DEMONSTRATING THAT THE APPLICANT MEETS THE~~
24 ~~EQUIVALENT STANDARDS;~~
- 25 PERMIT APPLICATION, AN APPLICANT FOR NEW CONSTRUCTION SUBJECT
26 TO THIS SUBTITLE SHALL SUBMIT TO THE DIRECTOR:
- 27 (1) (I) DOCUMENTATION SHOWING THAT THE PROJECT HAS
28 BEEN REGISTERED WITH THE GREEN BUILDING COUNCIL
29 AND AN UPDATED LEED CHECKLIST THAT SHALL BE
30 PREPARED, SIGNED, AND DATED BY THE PROJECT LEED
31 ACCREDITED PROFESSIONAL; OR

(II) IF THE DIRECTOR HAS ADOPTED EQUIVALENT STANDARDS BY REGULATION, AN UPDATED CHECKLIST THAT IS APPROVED BY THE DIRECTOR AS DEMONSTRATING THAT THE APPLICANT MEETS THE EQUIVALENT STANDARDS;

(3 2) ANY OTHER DOCUMENT OR INFORMATION THE DIRECTOR FINDS NECESSARY TO DETERMINE WHETHER THE BUILDING WILL ACHIEVE THE APPLICABLE STANDARD UNDER SECTION 3.1004 OF THIS SUBTITLE;

(4 3) IF APPLICABLE, DOCUMENTATION THAT THE LEED DESIGN FEATURES AND SPECIFICATIONS HAVE BEEN REVIEWED AND APPROVED BY THE PROJECT'S LEED ACCREDITED PROFESSIONAL; AND

(5 4) GENERAL NOTES OR INDIVIDUAL DETAIL DRAWINGS ON ALL CONSTRUCTION DOCUMENTS SHOWING OR EXPLAINING THE GREEN BUILDING MEASURES USED TO ATTAIN THE APPLICABLE LEED RATING.

(C) *REQUIRED SUBMISSIONS – USE AND OCCUPANCY PERMIT.* PRIOR TO ISSUANCE OF A USE AND OCCUPANCY PERMIT, AN APPLICANT FOR NEW CONSTRUCTION SUBJECT TO THIS SUBTITLE SHALL SUBMIT DOCUMENTS DEMONSTRATING THAT THE BUILDING DESIGN AND SUBMITTAL REQUIREMENTS HAVE BEEN REVIEWED BY A COMMISSIONING TEAM.

(D) *CONDITION OF APPROVAL.* THE REQUIREMENTS OF THIS SECTION SHALL BE A CONDITION OF APPROVAL SET FORTH ON THE SITE DEVELOPMENT PLAN AND THE BUILDING PERMIT.

~~(E) *FOLLOWING RECEIPT OF A CERTIFICATE OF USE AND OCCUPANCY.*~~

(E) *TWELVE MONTHS AFTER RECEIPT OF A CERTIFICATE OF USE AND OCCUPANCY.* WITHIN 12 MONTHS OF RECEIPT OF A CERTIFICATE OF USE AND OCCUPANCY, AN APPLICANT FOR NEW CONSTRUCTION SUBJECT TO THIS SUBTITLE SHALL APPLY TO THE GREEN BUILDING COUNCIL FOR CERTIFICATION.

1 (F) THIRTY-SIX MONTHS AFTER RECEIPT OF A CERTIFICATE OF USE AND
2 OCCUPANCY. WITHIN 36 MONTHS OF RECEIPT OF A CERTIFICATE OF USE
3 AND OCCUPANCY, THE APPLICANT FOR NEW CONSTRUCTION SUBJECT TO
4 THIS SUBTITLE SHALL PROVIDE PROOF TO THE DIRECTOR THAT THE
5 REQUIRED LEED-LEVEL RATING OR AN EQUIVALENT STANDARD AS MAY
6 BE ~~DETERMINED~~ ADOPTED BY REGULATION OF THE DIRECTOR WAS
7 OBTAINED.

8
9 **3.1006. SURETY.**

10 ~~(A) REQUIRED. PRIOR TO ISSUANCE OF A BUILDING PERMIT, THE~~
11 ~~APPLICANT SHALL PROVIDE SURETY IN THE FORM OF CASH, BOND, OR~~
12 ~~LETTER OF CREDIT TO GUARANTEE ACHIEVEMENT OF THE REQUIRED~~
13 ~~CERTIFICATION.~~

14 ~~(B) RELEASE OF SURETY. THE SURETY REQUIRED BY THIS SECTION SHALL~~
15 ~~BE RELEASED UPON INDEPENDENT VERIFICATION BY THE DIRECTOR~~
16 ~~THAT THE CERTIFICATIONS REQUIRED BY THIS SUBTITLE HAVE BEEN~~
17 ~~ACHIEVED.~~

18 ~~(C) FORFEITURE OF SURETY. THE SURETY SHALL BE FORFEITED AND~~
19 ~~PLACED IN THE GENERAL FUND IF THE APPLICANT FAILS TO OBTAIN THE~~
20 ~~CERTIFICATION REQUIRED BY THIS SUBTITLE:~~

21 ~~(1) — WITHIN 36 MONTHS OF APPROVAL OF A USE AND OCCUPANCY~~
22 ~~PERMIT FOR THE BUILDING; OR~~

23 ~~(2) — WHEN THE GREEN BUILDING COUNCIL ISSUES A FINAL~~
24 ~~DETERMINATION, INCLUDING THE RESOLUTION OF ANY~~
25 ~~APPEAL, TO DENY THE CERTIFICATION.~~

26 ~~(D) AMOUNT OF SURETY. THE SURETY SHALL BE COMPUTED BASED ON A~~
27 ~~SQUARE FOOT BASIS AT A RATE ESTABLISHED IN A FEE SCHEDULE~~
28 ~~ADOPTED BY RESOLUTION OF THE COUNTY COUNCIL.~~

29
30 **3.1007 SECTION 3.1006. EXPEDITED REVIEW.**

31 FOR A BUILDING THAT QUALIFIES FOR LEED GOLD OR PLATINUM LEVEL

~~RATING OR AN EQUIVALENT STANDARD AS MAY BE DETERMINED BY~~
~~REGULATION OF THE DIRECTOR, AN APPLICATION FOR A BUILDING~~
~~PERMIT SHALL RECEIVE EXPEDITED REVIEW BY THE DEPARTMENT. AN~~
APPLICATION FOR A BUILDING PERMIT SHALL RECEIVE EXPEDITED
REVIEW BY THE DEPARTMENT IF THE CHECKLIST SUBMITTED WITH THE
BUILDING PERMIT APPLICATION INDICATES THAT THE APPLICANT IS
SEEKING CERTIFICATION AT THE GOLD OR PLATINUM-LEVEL RATING OR
AN EQUIVALENT STANDARD AS MAY BE ADOPTED BY REGULATION OF
THE DIRECTOR.

3.1008 SECTION 3.1007. WAIVERS; FEE-IN-LIEU.

(A) *WAIVERS; STANDARDS FOR GRANTING.* THE DIRECTOR MAY GRANT A
WAIVER TO THE REQUIREMENTS OF THIS SUBTITLE WHERE, BY REASON
OF UNIQUE PHYSICAL CHARACTERISTICS OF THE PROPERTY INCLUDING
EXCEPTIONAL TOPOGRAPHIC CONDITIONS OR THE SIZE OR SHAPE OF THE
PROPERTY, STRICT COMPLIANCE WITH THE REQUIREMENTS OF THIS
SUBTITLE WOULD RESULT IN AN UNWARRANTED HARDSHIP TO AN
APPLICANT FOR A BUILDING PERMIT. FOR PURPOSES OF THIS SECTION,
UNWARRANTED HARDSHIP DOES NOT INCLUDE FINANCIAL HARDSHIP.

(B) *REQUEST.* A REQUEST TO WAIVE THE REQUIREMENTS OF THIS
SUBTITLE SHALL:

- (1) BE IN WRITING IN A FORM REQUIRED BY THE DIRECTOR;
- (2) BE ACCOMPANIED BY SUPPORTING INFORMATION THAT
JUSTIFIES THE REQUEST INCLUDING LETTERS, STATEMENTS,
OR TEST RESULTS; AND
- (3) INCLUDE, WHERE APPLICABLE, TECHNICAL DOCUMENTATION
TO DEMONSTRATE THAT COMPLIANCE CANNOT BE
ACHIEVED.

(C) *FEE-IN-LIEU.* EXCEPT FOR A PUBLICLY-FUNDED BUILDING, AN
APPLICANT WHO IS GRANTED A WAIVER SHALL BE REQUIRED TO PAY A
FEE-IN-LIEU INTO THE GREEN BUILDING FUND THAT IS:

- 1 (1) CALCULATED ON A SQUARE-FOOT BASIS AT A RATE
2 ESTABLISHED IN A FEE SCHEDULE ADOPTED BY RESOLUTION
3 OF THE COUNTY COUNCIL; AND
4 (2) DUE BEFORE THE BUILDING PERMIT IS GRANTED.
5

6 **SECTION ~~3.1009~~ 3.1008. GREEN BUILDING FUND.**

7 (A) *FUND ESTABLISHED.* THE DIRECTOR OF FINANCE SHALL ESTABLISH
8 AN ACCOUNT TO BE KNOWN AS THE GREEN BUILDING FUND AND NO
9 MONIES DEPOSITED IN THIS ACCOUNT MAY REVERT TO THE GENERAL
10 FUND.

11 (B) *SOURCE OF MONIES IN FUND.* THE GREEN BUILDING FUND SHALL
12 CONTAIN:

13 (1) FEES-IN-LIEU AS REQUIRED BY SECTION 3.1008 OF THIS
14 SUBTITLE; AND

15 (2) ALL INTEREST EARNED ON MONEY IN THE FUND.

16 (C) *USE OF THE GREEN BUILDING FUND.* MONIES IN THE GREEN BUILDING
17 FUND MAY BE USED BY THE COUNTY FOR THE PURPOSE OF:

18 (1) FINDING WAYS TO REDUCE ENERGY CONSUMPTION;

19 ~~(2) COVERING STAFFING AND OPERATIONAL COSTS TO PROVIDE~~
20 ~~TECHNICAL ASSISTANCE, PLAN REVIEW, AND MONITORING~~
21 ~~OF BUILDINGS SUBJECT TO THIS SUBTITLE; AND~~

22 (2) PROVIDING TECHNICAL ASSISTANCE TO THE FOLLOWING
23 BUILDING OWNERS SEEKING TO ACHIEVE CERTIFICATION
24 FROM THE GREEN BUILDING COUNCIL OF CERTIFIED-LEVEL
25 RATING OR HIGHER;

26 (I) BUILDING OWNERS RETROFITTING EXISTING
27 COMMERCIAL BUILDINGS TO THE LEED FOR EXISTING
28 BUILDINGS, VERSION 2.0 STANDARD; OR

29 (II) BUILDING OWNERS DEVELOPING NEWLY
30 CONSTRUCTED COMMERCIAL BUILDINGS WITH LESS

1 THAN 50,000 GROSS SQUARE FEET TO THE FOLLOWING
2 LEED STANDARDS:

3 (a) NEW CONSTRUCTION, VERSION 2.2; OR

4 (b) CORE AND SHELL STANDARD; AND

- 5 (3) PROVIDING EDUCATION, TRAINING, AND OUTREACH TO THE
6 PUBLIC AND PRIVATE SECTORS IN GREEN BUILDING
7 PRACTICES.

8
9 **SECTION ~~3.1010~~ 3.1009. RULES AND REGULATIONS.**

10 THE DEPARTMENT MAY ADOPT RULES AND REGULATIONS TO
11 ADMINISTER THIS SUBTITLE.

12
13 **SECTION ~~3.1011~~ 3.1010. REPORT.**

14 (A) *CONTENT OF REPORT*. THE DIRECTOR SHALL SUBMIT TO THE COUNTY
15 EXECUTIVE AND THE COUNTY COUNCIL A REPORT THAT LISTS, BASED ON
16 THE PRECEDING CALENDAR YEAR:

- 17 (1) FOR BUILDINGS THAT WERE REQUIRED TO COMPLY WITH
18 THIS SUBTITLE:

19 (I) THE NUMBER AND TYPES OF BUILDINGS; AND

20 (II) THE LEVEL OF CERTIFICATION OBTAINED;

- 21 (2) FOR BUILDINGS THAT WERE EXEMPT FROM THIS SUBTITLE:

22 (I) THE NUMBER AND TYPES OF BUILDINGS; AND

23 (II) THE REASON FOR THE EXEMPTION; AND

- 24 (3) THE NUMBER OF WAIVERS TO THE REQUIREMENTS OF THIS
25 SUBTITLE THAT THE DIRECTOR APPROVED INCLUDING:

26 (I) THE REASON FOR THE WAIVER; AND

27 (II) ANY CONDITION ATTACHED TO THE WAIVER, SUCH AS
28 A FEE-IN-LIEU.

29 (B) *TIMING OF REPORT*. THE REPORT IS DUE NOT LATER THAN MARCH 1 OF
30 EACH YEAR.

1 **3.1012 SECTION 3.1011. ENFORCEMENT.**

2 ~~(A) *BUILDING CODE*. THIS SUBTITLE MAY BE ENFORCED IN ACCORDANCE~~
3 ~~THE HOWARD COUNTY BUILDING CODE AS ADOPTED IN SUBTITLE 1 OF~~
4 ~~THIS TITLE.~~

5 ~~(B) *CIVIL PENALTIES*. THE DIRECTOR MAY INSTITUTE ANY ACTION AT LAW~~
6 ~~OR EQUITY, INCLUDING INJUNCTION OR MANDAMUS, TO ENFORCE THE~~
7 ~~PROVISIONS OF THIS SUBTITLE. ALTERNATIVELY, AND IN ADDITION TO~~
8 ~~AND CONCURRENT WITH ALL OTHER REMEDIES, THE DIRECTOR MAY~~
9 ~~ENFORCE SECTION 3.1005 OF THIS SUBTITLE WITH CIVIL PENALTIES IN~~
10 ~~ACCORDANCE WITH TITLE 24 OF THE HOWARD COUNTY CODE. A FIRST~~
11 ~~VIOLATION OF SECTION 3.1005 IS A CLASS C OFFENSE. A SUBSEQUENT~~
12 ~~VIOLATION IS A CLASS B OFFENSE. EACH DAY THAT A VIOLATION~~
13 ~~CONTINUES IS A SEPARATE OFFENSE.~~

14 (A) *BUILDING CODE*. EXCEPT FOR VIOLATIONS OF SECTION 3.1004 OF THIS
15 SUBTITLE, THIS SUBTITLE MAY BE ENFORCED IN ACCORDANCE WITH THE
16 HOWARD COUNTY BUILDING CODE AS ADOPTED IN SUBTITLE 1 OF THIS
17 TITLE.

18 (B) *CIVIL PENALTIES*. EXCEPT FOR NEW CONSTRUCTION OF PUBLICLY
19 FUNDED BUILDINGS THAT ARE SUBJECT TO THIS SUBTITLE, THE
20 DIRECTOR MAY INSTITUTE THE FOLLOWING ALTERNATIVE AND
21 CONCURRENT REMEDIES:

22 (1) THE DIRECTOR MAY INSTITUTE ANY ACTION AT LAW OR
23 EQUITY, INCLUDING INJUNCTION OR MANDAMUS, TO
24 ENFORCE SECTION 3.1005(E) OF THIS SUBTITLE;

25 (2) THE DIRECTOR MAY ENFORCE SECTION 3.1005(E) OF THIS
26 SUBTITLE WITH CIVIL PENALTIES IN ACCORDANCE WITH
27 TITLE 24 OF THIS CODE AND A VIOLATION OF SECTION
28 3.1005(E) IS A CLASS A OFFENSE; AND

29 (3) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE
30 OFFENSE.

1 **~~3.1013~~ SECTION 3.1012. SEVERABILITY.**

2 IF ANY PART OF THIS SUBTITLE IS HELD INVALID, THE INVALIDITY SHALL
3 NOT AFFECT THE OTHER PARTS.

4
5 *Section 2. And Be It Further Enacted by the County Council of Howard County,*
6 *Maryland, that new subsection (u) is added to Section 16.144 “General procedures*
7 *regarding the subdivision process” of Article IV “Procedures for filing and processing*
8 *subdivision applications” of paragraph (4) is added to subsection (b) of Section 16.156*
9 *“Procedures” of Article V “Procedures for filing and processing site development plan*
10 *applications” of Subtitle 1 “Subdivision and Land Development Regulations” of Title 16*
11 *“Planning, Zoning and Subdivisions and Land Development Regulations” of the Howard*
12 *County Code to read as follows:*

13
14 **Title 16. Planning, Zoning and Subdivisions and Land Development Regulations.**

15 **Subtitle 1. Subdivisions and Land Development Regulations.**

16 **~~Article IV. Procedures for Filing and Processing Subdivision Applications.~~**

17 **Article V. Procedures for Filing and Processing Site Development Plan Applications.**

18 **~~Section 16.144. General procedures regarding the subdivision process.~~**

19 ~~(U) COMPLIANCE WITH GREEN BUILDING LAW. A SITE DEVELOPMENT~~
20 ~~PLAN APPLICATION FOR A PROJECT THAT IS REQUIRED TO COMPLY~~
21 ~~WITH THE HOWARD COUNTY GREEN BUILDINGS LAW, SET FORTH~~
22 ~~IN SUBTITLE 10 OF TITLE 3 OF THIS CODE, SHALL COMPLY WITH~~
23 ~~SECTION 3.1005 OF THIS CODE PRIOR TO APPROVAL OF THE PLAN.~~

24 **Section 16.156. Procedures.**

25 (b) Application: The applicant for a site development plan shall submit the following to
26 the Department of Planning and Zoning:

27 (4) COMPLIANCE WITH GREEN BUILDINGS LAW. A SITE DEVELOPMENT
28 PLAN APPLICATION FOR A PROJECT THAT IS REQUIRED TO COMPLY
29 WITH THE HOWARD COUNTY GREEN BUILDINGS LAW, SET FORTH IN
30 TITLE 3, SUBTITLE 10 OF THIS CODE, SHALL COMPLY WITH SECTION
31 3.1005(A) OF THIS CODE PRIOR TO APPROVAL OF THE PLAN.

1

2 ***Section 3. And Be it Further Enacted*** by the County Council of Howard County,
3 *Maryland that this Act shall apply to a site development plan for new construction that is*
4 *filed with the Department of Planning and Zoning on or after July 1, 2008.*

5

6 ***Section 4. And Be It Further Enacted*** by the County Council of Howard County,
7 *Maryland, that this Act shall become effective 61 days after its enactment.*